

State of South Dakota

SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

578J0032

HOUSE BILL NO. 1003

Introduced by: Representatives Dykstra, Bartling, Bradford, Deadrick (Thomas), Elliott, Heineman, LaRue, McLaughlin, and Peterson (Jim) and Senators Duxbury and Koskan at the request of the Interim Committee on School District Educational Equality and Organization

1 FOR AN ACT ENTITLED, An Act to allow two or more school districts to include an existing
2 excess tax levy in their consolidation plan.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-6-13 be amended to read as follows:

5 13-6-13. The plan shall contain:

- 6 (1) A map or maps showing the boundaries of the proposed district or districts, the
7 boundaries of the existing districts involved, the location of existing and proposed
8 attendance centers and a description of the facilities, and the proposed school bus
9 routes, if any;
- 10 (2) A legal description of the boundaries of the proposed district or districts;
- 11 (3) Estimates of the school age population within the proposed district or districts;
- 12 (4) The assessed valuation of all taxable property of each existing district and of the
13 proposed district or districts;
- 14 (5) Outstanding general obligation bonds of any component district, funds in all school



1 accounts and estimated receipts in all accounts in process of collection;

2 (6) If a joint district, the designation of the county of jurisdiction;

3 (7) The official name of the proposed district;

4 (8) A statement with regard to a proposed method of adjustment of assets and liabilities;

5 (9) The proposed number of school board members if a new entity is to be created;

6 (10) A description of the proposed educational program;

7 (11) A reasonably detailed budget showing estimated annual receipts and expenditures for
8 the operation of the proposed district or districts;

9 (12) A statement recognizing any requests for minor boundary changes;

10 (13) Such additional information as may be necessary to show compliance with the
11 standards for school districts as adopted by the South Dakota Board of Education.

12 ~~When~~ If the plan proposes the dissolution and annexation of a school district to one or more
13 school districts, the school board of the receiving district, or districts, shall by resolution express
14 their acceptance or rejection of all or part of the district to be dissolved as set forth in the
15 proposed plan.

16 If the school boards of two or more school districts are developing a plan to consolidate, and
17 two-thirds of the members of each affected school board agree, the plan may also include the
18 provisions of an excess tax levy authorized in § 10-13-36 that currently exists in one of the
19 school districts. If the plan is approved by the voters, the existing excess tax levy will be applied
20 in the new consolidated school district for five years beyond the date of reorganization or for
21 the same length of time that it would have been applied in the existing school district had a
22 consolidation not taken place, whichever is a shorter period of time. If an existing excess tax
23 levy is included in the plan, the plan shall state the amount that property taxes will be increased
24 annually and the number of years that the existing excess tax levy will be applied. In addition,

1 each school board involved in the development of the plan shall announce the inclusion of the
2 existing excess tax levy in the plan to the taxpayers in the manner set forth in section 2 of this
3 Act.

4 Section 2. That chapter 13-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If a plan containing an existing excess tax levy is approved pursuant to § 13-6-18, each
7 school board involved in developing the plan shall publish an announcement of the inclusion
8 of the existing excess tax levy in the plan at least twice, with no fewer than five days between
9 publication dates, in the legal newspaper designated by the school board. The requirements for
10 the announcement are as follows:

- 11 (1) The announcement of the inclusion of an existing excess tax levy in the plan shall be
12 published within ten days of the approval of the plan;
- 13 (2) The announcement shall be at least three newspaper columns in width and four
14 inches in length or at least one-sixth of a page in size, whichever is greater;
- 15 (3) The announcement shall be headed with the following statement in a typeface no less
16 than eighteen point type: "ATTENTION TAXPAYERS: NOTICE OF EXCESS TAX
17 LEVY." The remainder of the announcement shall consist of an explanation that the
18 existing excess tax levy is part of the plan that will be voted upon by voters in all the
19 affected school districts. The announcement shall include the amount of money that
20 the existing excess tax levy, if applied, will bring to the new, consolidated school
21 district. It shall also contain the number of years that the excess tax levy would be
22 applied in the new, consolidated school district. The secretary of revenue and
23 regulation, in rules promulgated pursuant to chapter 1-26, shall prescribe a uniform
24 form to be used by the school districts for notification of taxpayers as required by this

1 section.

2 Section 3. That chapter 13-6 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 However, the requirements of subdivisions (2) and (3) of section 2 of this Act are waived
5 if:

6 (1) An announcement of the inclusion of the existing excess tax levy in the plan, of the
7 amount of money that the existing excess tax levy would bring to the new,
8 consolidated school district, and of the length of time that the existing excess tax levy
9 would be applied in the new consolidated school district is mailed to every property
10 taxpayer in the school district, by first class mail or bulk mail, within twenty days of
11 the approval of the plan; and

12 (2) An announcement containing all of the information required in subdivision (1) is
13 printed in each official newspaper within the school district's boundaries.

14 Section 4. That § 13-6-41 be amended to read as follows:

15 13-6-41. Upon receipt of the approval of the plan from the secretary of the Department of
16 Education, the school board of each school district shall call a special election within each
17 school district and all qualified voters of the district shall be entitled to vote on the proposal. If
18 the special election is for the purpose of voting on a plan that includes an existing excess tax
19 levy pursuant to section 1 of this Act, each school district shall set the special election on or
20 before July fifteenth of the year prior to the year the taxes are payable.